

Notice of Allowability

Application No.

10/690,622

Examiner

Igor Kershteyn

Applicant(s)

YU ET AL.

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☐ The drawings filed on ____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 4/28/05.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Drawings

The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

Figure 5 is objected to because it should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The addition of the legend such as --Prior Art-- would overcome the objection and has been pre-approved by the Examiner. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Reasons for allowance

The instant invention is deemed to be directed to an unobvious improvement to windmills over U.S. Patent No. 4,164,382 which teaches a windmill, comprising: wind intake means having wind guide plates 84a-h which are radially located to guide wind in a predetermined direction, an upper plate 92,92' which is installed on upper ends of the wind guide plates 98a-h to prevent dispersion of the wind, a wind inlet which is defined between inner ends of two adjoining wind guide plates 98a-h, and a wind inlet opening and closing device 114,116,130 which is placed at the wind inlet; power generating means disposed in a power generating tunnel which is defined at a lower end of the wind intake means 112,112', to rotate rotors by the wind introduced into the windmill through the wind intake means and thereby generate electricity; and wind exhaust means having a wind outlet so that the wind used for generating electricity can be discharged to the outside through the wind outlet, and a wind outlet opening and closing device 114,116,130 which is placed at the wind outlet.

The improvement comprises wind inlet opening and closing device which is opened by the wind flowing through the wind inlet into the windmill and closed by the wind flowing through the wind inlet out of the windmill, a wind outlet means which is defined below the wind inlet, and the wind outlet opening and closing device which is opened by the wind flowing through the wind outlet out of the windmill and closed by the wind flowing through the wind outlet into the windmill.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of four patents.

Martinez (4,415,814) is cited to show a windmill having guide plates, a power generating means, and wind inlet and outlet but fails to teach an opening and closing device opened and closed by the wind.

Payne (4,508,973) is cited to show a windmill having guide plates, a power generating means, and wind inlet and outlet but fails to teach an opening and closing device.

Gual et al. (5,020,967) is cited to show a windmill having guide plates, a power generating means, and wind inlet and outlet but fails to teach an opening and closing device.

McDavid (6,518,680) is cited to show a windmill having guide plates, a power generating means, and wind inlet and outlet but fails to teach an opening and closing device placed in the wind inlet defined by the guide plates.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK
April 28, 2005



Igor Kershteyn
Patent examiner.
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EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

4/30/05